

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Kristine Forbes (Lamke) and Morgan Koop,

Plaintiffs,

No. \_\_\_\_\_

vs.

**NOTICE OF REMOVAL**

Wells Fargo Bank, N.A.,

Defendant.

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TO: Plaintiffs and their attorneys Thomas J. Lyons, Lyons Law Firm, P.A., 342 East County Road D, Little Canada, Minnesota 55117, and Thomas J. Lyons, Jr., Consumer Justice Center, P.A., 342 East County Road D, Little Canada, Minnesota 55117

Under 28 U.S.C. § 1446, defendant Wells Fargo Bank, N.A. (“Wells Fargo”) hereby gives notice of the removal of the above-entitled action to the United States District Court for the District of Minnesota, and in support of the Notice of Removal states as follows:

1. On or about December 9, 2004, plaintiffs Kristine Forbes (Lamke) and Morgan Koop commenced an action against Wells Fargo in Hennepin County District Court, File No. CT 04-18839, entitled Kristine Forbes (Lamke) and Morgan Koop v. Wells Fargo Bank, N.A. (the “State Action”). A copy of the Summons and Complaint in the State Action are submitted with this Notice of Removal as pages 1-15 of Wells Fargo’s Index of Exhibits to Notice of Removal.

2. Copies of all process, pleadings, and orders served on Wells Fargo in the State Action are submitted with this Notice of Removal. (*See* Wells Fargo's Index of Exhibits to Notice of Removal.)

3. The United States District Court for the District of Minnesota has original jurisdiction over this action under 28 U.S.C. § 1332(a)(1).

a. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, as Plaintiff Kristine Forbes' Answers to Defendant Wells Fargo's First Request for Admissions, dated October 10, 2005 (*see* pp. 305-07 of Wells Fargo's Index of Exhibits to Notice of Removal), establish that she seeks damages in this action in excess of \$75,000.

b. The matter in controversy is between citizens of different States. Kristine Forbes is an individual citizen of Wisconsin; Morgan Koop is an individual citizen of Minnesota. Wells Fargo is a national association organized under the laws of the United States with its principal place of business in California.

4. This notice of removal is filed within thirty days after Wells Fargo's receipt of a paper establishing that the case is one which is removable.

5. The United States District Court for the District of Minnesota is the District Court for the district embracing the entire state of Minnesota, where the State Action is currently pending. See 28 U.S.C. § 103.

6. Wells Fargo expressly reserves its right to raise all defenses and objections to plaintiffs' claims after the action is removed to the above Court.

Dated: October 13, 2005

FAEGRE & BENSON LLP

s/ Charles F. Webber

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